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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/746,190	12/22/2000	Sascha Baumeister	DE919990097US1	1332

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EXAMINER

EL CHANTI, HUSSEIN A

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 09/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/746,190

Applicant(s)

BAUMEISTER ET AL.

Examiner

Hussein A El-chanti

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6, 9-16, 19-26, 29 and 30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-6, 9-16, 19-26, 29 and 30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

***Response to Amendment***

1. This action is responsive to amendment received on June 18, 2004. Claims 1-6, 9-16, 19-26, 29 and 30 were amended. Claims 7, 8, 17, 18, 27 and 28 were canceled. Claims 1-6, 9-16, 19-26, 29 and 30 are pending examination.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-6, 9-16, 19-26, 29 and 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Gibbon et al., U.S. Patent No. 5,874,986 (referred to hereafter as Gibbon).

As to claim 1, Gibbon teaches a client-server based file transfer method for a client computer system comprising the steps of:

creating at a client computer system, a local file for holding a downloaded local copy of a remote file system of a remote server (see col. 2 lines 17-35);

receiving at the local computer system, an application program initiated request for accessing a desired portion of the local file, wherein the application program initiated request comprises a read position indicator, the read position indicator identifying a

location in the local file of the desired portion of the local file (see col. 6 lines 41-60, col. 7 lines 11-32 and col. 9 lines 65-col. 10 lines 18);

when the desired portion of the local file has not been downloaded from the remote file to the local file, requesting a file transfer of the remote file from the remote server, the request indicating the location in the remote file of the desired portion (see col. 6 lines 41-60 and col. 9 lines 65-col. 10 lines 18);

then starting a file transfer of the remote file from the remote server to the local file wherein the file transfer starts at the location of the remote file identified by the read position indicator (see col. 6 lines 41-60 and col. 9 lines 65-col. 10 lines 18);

when the desired portion has been transferred from the remote file to the local file, fulfilling application program initiated requests for accessing the desired portion of said local file while other portions of said local file have not yet been transferred from the remote file to the local file (see col. 6 lines 41-60 and col. 9 lines 65-col. 10 lines 18).

As to claim 2, Gibbon teaches the method according to claim 1 further comprising,

communicating with said file system by a Future File System Extension program, via a protocol directed to file accesses to said file system (see col. 2 lines 17-35).

As to claim 3, Gibbon teaches the method according to claim 2 in which said protocol is XDSM or derivable from XDSM, or functionally equivalent to XDSM (see col. 5 lines 50-67).

As to claim 4, Gibbon teaches the method according to claim 2 in which said Future File System Extension program is implemented as a stacked file system (see col. 5 lines 50-67).

As to claim 5, Gibbon teaches the method according to claim 2 in which said Future File System Extension program is implemented in the file system of the client computer system (see col. 5 lines 50-67).

As to claim 6, Gibbon teaches the method according to claim 1 further comprising, rendering the desired portion on the client computer system (see col. 7 lines 11-32).

As to claims 9, 19 and 29, Gibbon teaches a client-server based file transfer method, and computer program product and apparatus comprising the steps of:

issuing specifications by said client-server, the specifications indicating one or more portions of a client requested remote file;

streaming client-requested file information to a client computer system in portions according to the specifications issued by said client-server (see col. 3 lines 10-30 and col. 25 lines 10-26),.

saving the one or more portions in a local file of the client computer system; and

permitting a client application to access the local file to operate on a saved portion of the one or more portions when the local has not received all portions of the client requested remote file (see col. 6 lines 41-60, col. 7 lines 11-32 and col. 9 lines 65-col. 10 lines 18).

As to claim 10, Gibbon teaches the method according claim 9 in which said step of streaming is performed by sequentially streaming the requested file, skipping portions of the file previously streamed (see col. 6 lines 40-60).

As to claims 11 and 21, Gibbon teaches a client-server based file transfer apparatus and computer program product for a client computer system comprising:

- a network;

- a first computer system in communication with the network;

- a second computer system in communication with the first computer system by the way of the network wherein the computer systems includes instructions to execute a method comprising:

  - creating at a client computer system, a local file for holding a downloaded local copy of a remote file system of a remote server;

  - receiving at the local computer system, an application program initiated request for accessing a desired portion of the local file, wherein the application program initiated request comprises a read position indicator, the read position indicator identifying a location in the local file of the desired portion of the local file;

when the desired portion of the local file has not been downloaded from the remote file to the local file, requesting a file transfer of the remote file from the remote server, the request indicating the location in the remote file of the desired portion;

then starting a file transfer of the remote file from the remote server to the local file wherein the file transfer starts at the location of the remote file identified by the read position indicator;

when the desired portion has been transferred from the remote file to the local file, fulfilling application program initiated requests for accessing the desired portion of said local file while other portions of said local file have not yet been transferred from the remote file to the local file (see col. 6 lines 41-60, col. 7 lines 11-32 and col. 9 lines 65-col. 10 lines 18).

3. Claims 12-16, 20, 22-26 and 30 do not teach or define any additional limitations over claims 1-11, 19, 21 and 29 and therefore are rejected for similar reasons.

4. Applicant's arguments with respect to the pending claims have been considered but are moot in view of the new grounds of rejection.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

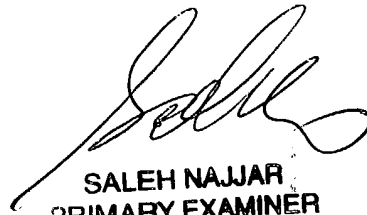
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hussein A El-chanti whose telephone number is (703)305-4652. The examiner can normally be reached on Mon-Fri 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703)308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hussein El-chanti

Sep. 15, 2004



**SALEH NAJJAR**  
**PRIMARY EXAMINER**